

## **PLANNING COMMISSION MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, May 17, 2016, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

### **CALL TO ORDER:**

**PRESENT:** Chairman Slaughter, Vice Chairman Loring, Commissioner Smith, Commissioner Eaton, Commissioner Fieo

**ABSENT:** Commissioner Wolfe, Commissioner Tagnesi

**EX OFFICIO:** City Manager Freeman

**FREDERICK CO. LIAISON:** Not present

**STAFF:** Tim Youmans, Aaron Grisdale, Josh Crump, Carolyn Barrett, Perry Eisenach

**VISITORS:** None

### **APPROVAL OF MINUTES:**

Chairman Slaughter called for corrections or additions to the minutes of March 15, 2016. Hearing none, he called for a motion. Commissioner Smith moved to approve the minutes as submitted. Vice Chairman Loring seconded the motion. Voice vote was taken and the motion passed 5-0.

### **CORRESPONDENCE:**

Mr. Youmans said there was a revised agenda. The Capital Improvement Program was added under Item 4B. There were also a number of site plans for administrative authorization. There is also a revised staff report for **RZ-16-251**.

### **CITIZEN COMMENTS:**

None.

### **REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:**

Not present.

### **PUBLIC HEARINGS:**

### **NEW BUSINESS:**

**CUP-16-242** Request of Elm's Properties LLC for a Conditional Use Permit for extended stay lodging at 2011 Valley Avenue (Map Number 251-01-6) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

Mr. Crump reviewed the staff report for the case. It is an extension of the use that was granted in 2009. Comments from other staff indicated no issues with allowing the extension. A copy of all police calls is included in the report. The fire marshal's office said the previous owner did not have annual fire inspections but the current owner will be doing so.

Commissioner Eaton said the police calls looked like there were actually 39 calls instead of 43. Over the last few years, the hotel has made great strides in partnering with the city. She asked if there were any additional security measures the management would like to put into place. Mr. Crump said in terms of the city's conditions, four calls trigger a warning and eight or more calls would trigger review or revocation of the conditional use permit. It has not been invoked since 2009.

**Chairman Slaughter opened the public hearing**

Adrian Pullen, property manager, said they are trying to make the place better and work with the City. He hopes that the CUP will be extended so they can continue to do so. Vice Chairman Loring asked if security was a problem. Mr. Pullen said it was not. Vice Chairman Loring asked if adding a redevelopment condition was a problem. Mr. Pullen said he had been talking to the other partners about it.

**Chairman Slaughter closed the public hearing**

*Commissioner Fieo made a motion to forward **CUP-16-242** to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood and conforms generally to the Comprehensive Plan. The recommendation is subject to:*

- 1. Installation of approved cooking facilities as generally depicted on the submitted floor plans;*
- 2. Retention of a staffed on-site lodging manager's office with proper directional signage so as to be easily located by intended business travelers;*
- 3. Expiration of the approval when the use of the property changes, but no later than September 30, 2019 after which the lodging facility would operate in compliance with motel use provisions or be redeveloped in conformity with the Comprehensive Plan;*
- 4. Occupancy of the units shall be for one (1) adult only, with the following exceptions: up to 10% of the units at any one time may be occupied by one (1) adult and one (1) child, and; up to 25% of the units at any one time may be occupied by two (2) adults with no children;*
- 5. Strict compliance with payment of lodging tax to the City;*
- 6. Weekly smoke detector inspection by the property manager and annual inspection of the facility by the Fire Marshal's Office;*
- 7. Certificate of Occupancy for Business and revised Business License obtained upon approval of the CUP;*
- 8. Strict compliance with Property Maintenance Code provisions;*
- 9. If there are four (4) or more criminal offense police calls attributable to the subject property during any 30 day period, the owner shall be notified of such calls. If there are eight (8) or more criminal offense calls attributable to the subject property during any 30 day period, the permit shall be subject to review and/or revocation by City Council; and,*
- 10. Submission of a redevelopment concept plan to City Planning Department by September 30, 2018 showing consistency with the Comprehensive Plan.*

*Vice Chairman Loring seconded the motion. Voice vote was taken and the motion passed 5-0*

**RZ-16-251** Resolution to initiate an ordinance to rezone approximately 64 acres of land containing approximately 149 parcels, either in full or in part, to be included in the Corridor Enhancement (CE) District; as depicted on an exhibit entitled: "Fairmont/Wyck/North Cameron/North Loudoun proposed CE District" prepared by the Winchester Planning Department on March 25, 2016.

Mr. Crump reviewed the staff report and zoning map. He outlined the current uses in the area. The public meeting on May 4, 2016 had a large turnout. There were many good questions. One issue was the provision to move utilities underground if there is a change in building use. Mr. Grisdale said a parking amendment provided additional flexibility to parking standards.

Commissioner Eaton said she had received questions from business owners about costs that Corridor Enhancement requirements would put on their businesses. She asked for clarity about the underground requirements. How much was dictated by the Corridor Enhancement? Mr. Grisdale said for costs, he did not have anything specific as it was site dependent. It is a uniform requirement anytime there is an upgrade to service. It has been in place for decades. Mr. Youmans said he could not think of a single redevelopment where this provision has kicked in. He was not sure if there had ever been an opportunity to evaluate the unique costs associated with the Corridor Enhancement.

Chairman Slaughter said the CE District would help to guide certain features in that zoning district. Mr. Youmans said it had more potential impact before the 2010 parking provisions were changed. For example, if a building were to be changed from office to restaurant, it had to be demonstrated how additional parking would be provided but keep the same footprint. Since then, there are very few instances of that happening. Chairman Slaughter said if someone were to do that, they would already have costs associated with the site plan change, buffering and screening and other things which normally occur with the developmental plan. Commissioner Eaton asked, if there was enough overlay from the other ordinances and zoning language, might it be an option for businesses to remove that part of it.

Commissioner Smith said that was a big concern when the National Avenue corridor was discussed. People were concerned about what changes would have to be made and costs. Unless someone was going to change the use of the property then there shouldn't be a change of costs. There was discussion about what types of items would or would not be allowed. Commissioner Smith said any corridor coming into the city should look nice and not just judge it because it's industrial or residential. The Board took some time to review the slides showing the area pertaining to the rezoning.

Commissioner Eaton said that from a business sense, quantifying some of the items is really important especially when talking about small businesses, which make up a large part of Winchester. She believes the Corridor Enhancement plan is important to the future of the City of Winchester and its identity. She is also sensitive to businesses and their ability to afford requirements around design and undergrounding electrical wires etc. In the 2013 Streets and Sidewalks study, there was an ability to break down costs of gutters, curb cuts and sidewalks per linear feet and how much it would cost and that could also be done in the Corridor Enhancement plan. It would give some clarity to what it does and the rest is zoning and ordinances. If it is just five to seven items, they should be able to get a rough estimate of what those costs would be even if it was just per linear foot. It would help businesses plan out their expenses. Commissioner Eaton asked if that would be doable. Mr. Youmans said it would be extremely difficult. It meant the City would have to presume what someone might want to do with their property. He explained some different circumstances that might occur. Commissioner Eaton asked if there was a way to further clarify what is required for Corridor Enhancement. Mr. Youmans said that as

people come forward, staff explains what the requirements are. Commissioner Eaton thought that the lack of clarification was hurting the Corridor Enhancement plan.

Commissioner Fieo said that small and large businesses have a basic responsibility to make the community a nice place for everyone to live. They all need to devote a certain amount of their budget to do so otherwise you don't have a nice community. The investment businesses will make to make their properties more attractive benefits them in the long run. The industrial owners may say they don't deal with the public but they need to be told it's a civic responsibility. We want everything in our city to look presentable and that's what the Corridor Enhancement will do. Vice Chairman Loring asked if there were any immediate changes or costs to current businesses or homeowners. Mr. Youmans said no.

*Commissioner Smith made a motion to initiate **RZ-16-251** for the attached resolution. Vice Chairman Loring seconded the motion. Voice vote was taken and the motion passed 5-0.*

### **Capital Improvement Program**

Chairman Slaughter reminded the board members that the CIP had already been discussed in the work session. He asked if they had any other comments or questions for Mr. Eisenach. Vice Chairman Loring asked how the city differentiates between projects so they end up on the CIP but some things like paving do not, what was the threshold. Mr. Eisenach said many of the decisions are made by the financial rules. A typical project, to be on the list, is more than \$50,000 with a life expectancy of more than 8 years. Paving is counted as an operational expense.

Commissioner Fieo asked if that was why a large part of the budget for sidewalks was coming out of the general fund. City Manager Eden said that was the recommendation for this year. They could ask for bond funds in future instead of general fund contributions but it was her recommendation, it was a financial decision. Vice Chairman Loring asked what the difference was between bond proceeds and bonds. City Manager Eden said it was a scrivener's error, they are the same.

*Commissioner Smith made a motion that the Planning Commission forward the FY2017-2021 Capital Improvement Program (CIP), as summarized by the Public Services Director at the May 3, 2016 Planning Commission work session, to City Council recommending approval based upon a finding that the CIP is generally consistent with the Comprehensive Plan. The motion was seconded by Commissioner Fieo. Voice vote was taken and the motion passed 5-0.*

### **OLD BUSINESS:**

None

### **OTHER BUSINESS:**

#### **Admin approvals – Site plans**

**SP-16-164** 2805-2825 Valley Avenue – minor revision – Hess Auto Center. Vice Chairman Loring moved to approve. Commissioner Fieo seconded. Voice vote was taken and the motion passed 5-0.

**SP-16-283** 2625 Papermill Rd. – new site plan – PRK Drilling. Vice Chairman Loring moved to approve. Commissioner Fieo seconded. Voice vote was taken and the motion passed 5-0.

**SP-16-301** 1810 S. Loudoun St. – new site plan – Zaxby's. Commissioner Fieo moved to approve. Vice Chairman Loring seconded. Voice vote was taken and the motion passed 5-0.

**SP-16-311** 2150 Valley Ave. – minor revision – Burger King. Commissioner Fieo moved to approve. Vice Chairman Loring seconded. Voice vote was taken and the motion passed 5-0.

**SP-15-264** 420 Meadow Branch Ave. – new site plan – Ridgewood. Vice Chairman Loring moved to approve. Commissioner Fieo seconded. Voice vote was taken and the motion passed 5-0.

**ADJOURN**

With no further business before the Commission, the meeting adjourned at 4:22pm.